

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

BRIAN CARPENTER

§
§
§
§
§

DOCKET NO. 3:19-CR-00452-X

**DEFENDANT’S MOTION FOR PRESERVATION AND PRODUCTION OF
GOVERNMENT AGENTS’ RAW INTERVIEW NOTES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Brian Carpenter, by and through his undersigned counsel, and respectfully moves the Court for an Order directing the Government to: (a) preserve all raw interview notes created during the course of its investigation, and (b) produce copies of any such notes to the defense, no later than thirty days prior to trial. As a matter of practice, Government agents only record interviews by handwritten notes, which are later transcribed into more formal reports. This request is made pursuant to the Fifth and Sixth Amendments of the United States Constitution, Fed. R. Crim. P. 16 and 26.2, and 18 U.S.C. § 3500.

This motion is made on the grounds that, as of 2019, federal government agents still do not record the interviews they conduct by video or audio means, but instead record their interviews only via handwritten notes, which are later transcribed into more formal reports. Accordingly, the agents’ raw notes, which are the only records produced contemporaneously with the actual interview, are often the best and most accurate record of precisely what was or was not said by a witness or interviewee.

As such, the Defendant respectfully moves the Court to order the Government to: (a) preserve the following requested items, and (b) to produce, no later than thirty days prior to trial, copies of the following requested items:

(1) any statement, whether in writing or verbal, however recorded, and whether signed or unsigned, made by Defendant Brian Carpenter;

(2) any statement, whether in writing or verbal, however recorded and whether signed or unsigned, of any witness the Government intends to call to testify; and

(3) any raw interview notes made during the interview of any defendant, witness, or potential witness in this matter.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this motion be in all things GRANTED.

Respectfully submitted,

/s/ Daniel K. Hagood, P.C.

DANIEL K. HAGOOD, P.C.

Texas Bar No. 08698300
2515 McKinney Avenue
Chateau Plaza, Suite 940
Dallas, Texas 75201
214.720.4040 telephone
214.237.0905 facsimile
dhagood@sorrelshagood.com

ROBERT T. JARVIS

Texas Bar No. 10586500
Jarvis & Hamilton Law Firm
123 West Houston Street
Sherman, TX 75090
903-892-8500 telephone
903-892-8550 facsimile
bob@jarvishamilton.com

ALEXANDRA HUNT

Texas Bar No. 24095711
2515 McKinney Avenue
Chateau Plaza, Suite 940
Dallas, Texas 75201
214.720.4040 telephone
214.237.0905 facsimile
ahunt@sorrelshagood.com

COUNSEL FOR DEFENDANT CARPENTER

CERTIFICATE OF CONFERENCE

I hereby certify that I have attempted to confer with USDOJ Trial Attorney Brynn Schiess regarding the foregoing motion, but have not yet been able to do so. Accordingly, the foregoing motion is submitted on the presumption that she is opposed to the filing of same. I further certify that I have conferred with counsel of record for Defendant Hawrylak regarding the foregoing motion and that he is unopposed to the filing of same.

/s/ Daniel K. Hagood
DANIEL K. HAGOOD, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2019, a true and correct copy of the foregoing motion was filed with the Clerk of the Court for the United States District Court, Northern District of Texas using the electronic case filing system, which provides for service upon all counsel of record.

/s/ Daniel K. Hagood
DANIEL K. HAGOOD, P.C.